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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,374	01/10/2002	Peder Gulbrandsen	0095-1028	8261

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EXAMINER

BAXTER, GWENDOLYN WRENN

ART UNIT PAPER NUMBER

3632

DATE MAILED: 02/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/044,374

Applicant(s)

GULBRANDSEN ET AL.

Examiner

Gwendolyn Baxter

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1, 6-12 and 17-24 is/are rejected.
- 7) ☒ Claim(s) 2-5 and 13-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

This is second office action for serial number 10/044,374, Free Forming Ceiling, filed on January 10, 2002.

#### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the three dimensional axes must be shown must be shown or the feature canceled from the claims 1, 10, 12, and 21-25. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

#### ***Claim Rejections - 35 USC § 112***

Claims 1-11 are rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a plurality of curved ceiling panels curved about all three dimensional axes adapted to be connected to said grid, does not reasonably provide enablement for each of the panels' endpoints terminating in a common plane. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims. At line 6 of claim 1, Applicant recites the endpoints of a ceiling panel terminates in a common plane. Additionally, Applicant recites the curved ceiling panels are arranged such

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that the common plane created by a first curved ceiling panel does not lie in the common plane created by any adjacent curved ceiling panel. If the end points of one ceiling panels can lie in a common plane, it is unclear how the first curved ceiling panel does not lie in the common plane created by the adjacent curved ceiling panel. For the purpose of this office action, the limitation "each of said curved ceiling panels including four corners having endpoints terminating in a common plane" has not been considered.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 6-12, and 17-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 3,982,361 to Deutsch et al. The present invention reads on Deutsch as follows: Deutsch teaches a curved panel suspension ceiling system comprising a plurality of grid members (11, 13, 15, 16) and a plurality of curved ceiling panels (38). The plurality of members (16) intersects to form a grid. The grid is adapted to be suspended from a building structure. The plurality of curved ceiling panels connect to the grid. Each of the curved ceiling panels includes four corners having endpoints. The curved ceiling panels are arranged such that a plane created by a first curved ceiling panel does not lie in a plane created by an adjacent second curved ceiling panel. The plurality of grid members is linear. The plurality of curved ceiling panels is connected to the grid members by extension members. The

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extension posts (11, 13, 15) are connected to the grid at intersections formed by the grid members. The plurality of curved ceiling panels are connected to the extension posts by use of fasteners (12). Four corners has endpoints all lying in a common plane. Interconnected by four side edges. The side edges are curved such that the actual length of the side edges between two of the endpoints is longer than the linear distance between the endpoints along the side edge. The panels are fabricated out of material selected from the group consisting of plastic, metal, resin, wood fiber, gypsum, fabric, woven mesh, and non-woven mesh (col. 2, lines 48+). The limitations of claims 11-12 and 17-20 have been addressed above.

Additionally, the panel (38) includes a top surface opposing a bottom surface. The surfaces include four corners having endpoints interconnected by four side edges. The side edges being curved such that the actual length of the side edges between two of the end points is longer than the linear distance between the endpoints along the side edges. The panel when viewed in cross-section has a sloped appearance. The body portion of the curved ceiling panel curves upward and downward, deviating from a common plane.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

Claims 2-5, and 13-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 25 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the prior art of record fails to teach the combination of the plurality of curved ceiling panels curved about three dimensional axes and a plurality of grid members being curved.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Gulbrandsen D464,737 S; Deutsch 3,968,609; and Mingenbach teach a curved panel assembly.

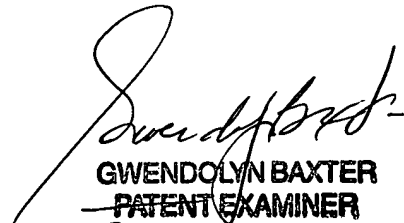
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gwendolyn Baxter whose telephone number is 703-308-0702. The examiner can normally be reached on compressed work schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A Braun can be reached on 703-308-2156. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Gwendolyn Baxter  
January 23, 2004

  
GWENDOLYN BAXTER  
PATENT EXAMINER  
*Primary*  
*Art Unit 3632*